



Docket No.: 240255US8

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/617,661
Applicants: Nariaki IKEDA, et al.
Filing Date: July 14, 2003
For: OPTICAL DEVICE HAVING A CARRIER-
DEPLETED LAYER
Group Art Unit: 2815
Examiner: WILSON, A.R.

SIR:

Attached hereto for filing are the following papers:

RESPONSE TO RESTRICTION REQUIREMENT

We have not included a check as we do not believe any fee is required. In the event there are any Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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DOCKET NO: 240255US8



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
NARIAKI IKEDA, ET AL. : EXAMINER: WILSON, A.R.
SERIAL NO: 10/617,661 :
FILED: JULY 14, 2003 : GROUP ART UNIT: 2815
FOR: OPTICAL DEVICE HAVING A :
CARRIER-DEPLETED LAYER :

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement stated in the Official Action dated November 19, 2004, Applicants in the above-identified patent application provisionally elect Group I, Claims 1-19, drawn to a semiconductor device.

The Restriction Requirement asserts that the application contains claims to distinct inventions. However, MPEP §803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be of an overlapping search area.

Serial No. 10/617,661

Response to Restriction Requirement dated November 19, 2004

Accordingly, Applicants respectfully **traverse** the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

However, if the present Restriction Requirement is not withdrawn, examination on the merits of the Claims of Group I is believed to be in order, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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